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ATTORNEY FOR APPELLANT:

MICHAEL K. AUSBROOK
Bloomington, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

ARTURO RODRIGUEZ II
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

T.L.,)	
)	
Appellant-Respondent,)	
)	
vs.)	No. 49A02-0611-JV-1000
)	
STATE OF INDIANA,)	
)	
Appellee-Petitioner.)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Christopher Piazza, Magistrate
The Honorable Marilyn Moores, Judge
Cause No. 49D09-0605-JD-1961

October 24, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Respondent, T.L., was adjudicated a delinquent child on the basis of Resisting Law Enforcement as a Class A misdemeanor if committed by an adult.¹ While the juvenile court did not make a true finding with respect to the State's delinquency allegation of Disorderly Conduct, a Class B misdemeanor if committed by an adult,² the dispositional order listed disorderly conduct as an additional true finding. Upon appeal, T.L. challenges the sufficiency of the evidence to support the court's true finding of resisting law enforcement. Additionally, she requests a correction to the dispositional order to reflect the juvenile court's determination that she was not delinquent with respect to the allegation of disorderly conduct. We affirm in part, reverse in part, and remand with instructions.

FACTS

The record reveals that on May 16, 2006, Officer Terry Smith responded to a report of a runaway at 5345 West 34th Street. Officer Terry Smith knocked on the door, and someone eventually opened it. Officer Terry Smith observed two males and two females inside the house. He later identified the females to be A.S. and T.L.³ The girls began yelling at him. Officer Terry Smith remained at the door and asked to speak with their mother. Officer Brandon Smith subsequently arrived to assist Officer Terry Smith.

Officer Brandon Smith testified that upon arriving on the scene he observed T.L. and A.S. screaming and yelling. The girls tried to close the front door. Eventually,

¹ Ind. Code § 35-44-3-3 (2005).

² Ind. Code § 35-45-1-3 (2006).

³ The parties stipulated that A.S.'s birthday is January 6, 1991, and T.L.'s birthday is July 25, 1989.

Officer Brandon Smith tried to take A.S. by the hand. A.S. drew back and assumed a position as if to hit Officer Brandon Smith. Officer Brandon Smith placed A.S. in handcuffs. Officer Brandon Smith then attempted to place T.L. in handcuffs, and testified that she was “fairly compliant.” Tr. at 49. Officer Brandon Smith also testified, however, that T.L. pulled away and held her fist as if to hit him. After Officer Brandon Smith placed T.L. in handcuffs and made her sit in a chair, T.L. stood up multiple times and yelled.

At some point after the girls were handcuffed, their mother arrived. The girls’ mother gave Officer Terry Smith permission to search the residence, where he found a runaway girl hiding in a closet upstairs. Later, Officer Brandon Smith tried to take T.L. to the police car from the front porch, but she refused to comply, dragging her feet and throwing a “fit.” Tr. at 49.

On May 17, 2006, the State filed a petition alleging T.L. to be a delinquent child based upon the offenses of disorderly conduct and resisting law enforcement. Following an August 23, 2006 hearing, the juvenile court determined the State had met its burden as to the charge of resisting law enforcement only. In the dispositional order, however, the court entered true findings with respect to both disorderly conduct and resisting law enforcement. This appeal follows.

DISCUSSION AND DECISION

I. Resisting Law Enforcement

When the State seeks to have a juvenile adjudicated to be a delinquent for committing an act which would be a crime if committed by an adult, the State must prove

every element of the crime beyond a reasonable doubt. *J.R.T. v. State*, 783 N.E.2d 300, 302 (Ind. Ct. App. 2003), *trans. denied*. Upon a review of a juvenile adjudication, this court will consider only the evidence and reasonable inferences supporting the judgment. *Id.* We will neither reweigh the evidence nor judge witness credibility. *Id.* If there is substantial evidence of probative value from which a reasonable trier of fact could conclude that the defendant was guilty beyond a reasonable doubt, we will affirm the adjudication. *Id.*

Under Indiana Code section 35-44-3-3, a person commits the crime of resisting law enforcement if she knowingly or intentionally “forcibly resists, obstructs, or interferes with a law enforcement officer” who is engaged in the execution of his duties. We have previously interpreted Indiana Code section 35-44-3-3 as not requiring the application of an “overly strict definition of ‘forcibly resist.’” *Johnson v. State*, 833 N.E.2d 516, 519 (Ind. Ct. App. 2005) (affirming a conviction for resisting law enforcement where defendant turned and pushed away from arresting officers and “stiffened up” when they attempted to place him into a transport vehicle). Here there was evidence that T.L. pulled away from Officer Brandon Smith and made a fist, and that she dragged her feet and threw a “fit” when he attempted to escort her to the police car. While T.L. points to testimony in which Officer Brandon Smith indicated A.S., rather than T.L., was the girl who pulled away and made a fist, the juvenile court was in a better position than we to evaluate Officer Brandon Smith’s credibility and to resolve apparent conflicts in testimony. Additionally, we are unpersuaded by T.L.’s argument that her acts of foot-dragging while throwing a “fit” are not sufficiently forcible to qualify as resisting

law enforcement. The very act of foot-dragging such that Officer Brandon Smith was required to exert force to counteract T.L.'s acts of resistance is adequate to support a conviction for resisting law enforcement. *See Johnson*, 833 N.E.2d at 518; *see also Wellman v. State*, 703 N.E.2d 1061, 1064 (Ind. Ct. App. 1998) (upholding resisting-law-enforcement conviction where defendant placed his hands against a doorframe to hold himself inside his house, requiring officer to push him through the door and lift him from the ground when he refused to walk).

II. Disorderly Conduct

T.L.'s second challenge upon appeal is to the dispositional order, which reflected a true finding with respect to disorderly conduct, in spite of the fact that the juvenile court had specifically indicated that the State had not met its burden on that count. The State does not dispute T.L.'s argument on this point. As it appears that the offense of disorderly conduct was inadvertently added to the dispositional order, we reverse the true finding of disorderly conduct as reflected by the order and remand with instructions to correct the order to reflect a true finding for resisting law enforcement only.

The judgment of the juvenile court is affirmed in part and reversed in part, and the cause is remanded with instructions to correct the dispositional order.

NAJAM, J., and MATHIAS, J., concur.